

Item W05-11 Response Form

Title: Traffic: Ignition Interlock Device Forms (revise forms ID-100, ID-110, ID-120, ID-140, and ID-150)

- ☐ **Agree** with proposed changes
- ☐ **Agree** with proposed changes **only if modified**
- ☐ **Do not agree** with proposed changes

Comments: _____

Name: _____ **Title:** _____

Organization: _____

Address: _____

City, State, Zip: _____

Please **write** or **fax** or **respond using the Internet** to:

Address: Ms. Romunda Price,
Judicial Council, 455 Golden Gate Avenue,
San Francisco, CA 94102
Fax: (415) 865-7664 **Attention:** Romunda Price
Internet: www.courtinfo.ca.gov/invitationstocomment

DEADLINE FOR COMMENT: 5:00 P.M Friday, February 4, 2005

Your comments may be written on this *Response Form* or directly on the proposal or as a letter. If you are not commenting directly on this sheet please remember to attach it to your comments for identification purposes.

<i>Circulation for comment does not imply endorsement by the Judicial Council or the Rules and Projects Committee. All comments will become part of the public record of the council's action.</i>
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Title	Traffic: Ignition Interlock Device Forms (revise forms ID-100, ID-110, ID-120, ID-140, and ID-150)
Summary	The Traffic Advisory Committee proposes revision of forms related to ignition interlock devices to correct outdated references to statutory authority and change an instruction in order to eliminate a procedure that is not required by statute.
Source	Traffic Advisory Committee
Staff	Courtney Tucker, Senior Court Services Analyst (415) 865-7611
Discussion	<p>Under Vehicle Code section 23575, a court may order installation of an ignition interlock device (IID) in certain circumstances. Due to changes in statutory provisions regarding IIDs, the Judicial Council forms relating to IIDs need to be updated to reference current statutory authorities and follow current law.</p> <p>The revisions to update the forms include the following:</p> <ol style="list-style-type: none"> 1. Revision of Form ID-100, <i>Order to Install Ignition Interlock Device</i>, and ID-140, <i>Ignition Interlock Removal and Modification to Probation Order</i>, to remove an outdated reference to Municipal Court; 2. Revision of Form ID-110, <i>Ignition Interlock Installation Verification</i>, and Form ID-120, <i>Ignition Interlock Calibration Verification/Tamper Report</i>, to update statutory authorities; remove requirements for specifying the defendant's date of birth and social security number in order to protect privacy; and change the forms from mandatory to optional use, which is consistent with the other IID forms; 3. Revision of Form ID-150, <i>Notice to Employers of Ignition Interlock Restriction</i>, to remove outdated statutory references. <p>The proposal also recommends revision of Form ID-100 to eliminate an instruction that the court will provide defendants ordered to install an IID with a list of IID installers. Instead, the revised ID-100 instructs that the court will provide the defendant with the Department of Motor Vehicle's official list of certified manufacturers. The manufacturers are authorized to give defendants contact information regarding IID installers as provided under Vehicle Code sections 13386(a) and 13386(e)(1).</p>

NAME AND ADDRESS OF COURT: 	FOR COURT USE ONLY
NAME OF DEFENDANT: STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: HOME TELEPHONE NO.: WORK TELEPHONE NO.: DRIVER'S LICENSE NO.:	
ORDER TO INSTALL IGNITION INTERLOCK DEVICE	CASE NUMBER:

Under Vehicle Code section 23575, **the court orders:** a functioning Ignition Interlock Device be installed on the following vehicles owned or operated by defendant:

Make Model Year Color License Plate No. and/or V.I.N.

- a.
b.
c.

1. This order does not reinstate your driving privilege.
2. Installation shall be no later than *(specify a date no later than thirty days from the date of conviction)*:
3. Defendant shall present this form to the installer at the time of installation.
4. Defendant shall return completed *Ignition Interlock Installation Verification* (form ID-110) to the ☐ court ☐ probation dept. no later than *(specify a date no later than thirty days from the date of conviction)*:
5. Defendant shall take vehicles to the installer for calibration every ☐ 60 days ☐ other *(specify frequency)*:
following the date of installation.
6. Defendant shall make payments directly to the installer and shall adhere to the payment plan for installation of the ignition interlock device.
7. Without a court order, the devices may not be removed prior to *(specify a date no later than three years from the date of conviction)*:
8. ☐ Defendant's employer requires defendant to drive a vehicle owned by the employer within the course and scope of defendant's employment. Defendant shall provide the employer with the *Notice to Employers of Ignition Interlock Restriction* (form ID-150) no later than *(specify date)*: . Defendant shall keep a copy of the *Notice to Employers of Ignition Interlock Restriction* in defendant's possession or keep the original or a copy in the employer's vehicle.
9. Defendant shall maintain current insurance and registration on all vehicles owned.
10. Other *(specify)*:

Date:

JUDGE OF THE SUPERIOR/MUNICIPAL COURT

(Continued on reverse)

SHORT TITLE: —	CASE NUMBER:
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WHAT IS A VIOLATION OF THIS ORDER?

1. Failure to have ignition interlock devices installed within 30 days of the date of this order.
2. Failure to return completed *Ignition Interlock Installation Verification* (form ID-110) to the court or probation department (as indicated on the reverse) within the time limit specified in this order.
3. Failure to comply three or more times with any requirement for the maintenance or calibration of the ignition interlock devices.
4. Failure to comply with any court order.
5. Default on any payment plan arranged with the installer or ordered by the court, resulting in failure to comply herewith, absent a showing in court of good cause.
6. If defendant has a valid driver's license, driving any vehicle without an ignition interlock device except as provided below and except for employer-owned vehicles required to be operated within the course and scope of employment. A motor vehicle owned by a business entity that is wholly or partly owned or controlled by defendant is not a motor vehicle owned by an employer subject to the exemption.
7. Failure to maintain current license and registration on any vehicle owned by defendant.
8. Failure to notify any person who rents, leases, or loans a motor vehicle to defendant of the restriction imposed by this order.
9. Requesting or soliciting any person to blow into an ignition interlock device or to start a motor vehicle equipped with the device for the purpose of providing defendant with an operable motor vehicle.
10. Tampering with or circumventing the operation of an ignition interlock device.

Under Vehicle Code section 23575 **only**, it is an affirmative defense to Violation Numbers 7, 8, and 9 if defendant can show that he or she leased, rented, or borrowed a vehicle for emergency use when no other feasible alternative was available, or for a bona fide business purpose when away from defendant's regular place of business.

WHAT WILL HAPPEN IF YOU VIOLATE THIS ORDER?

Under Vehicle Code section 23575, if a defendant fails to provide proof of installation within the ordered time limit, absent a showing of good cause, the court shall notify the Department of Motor Vehicles.

YOUR RIGHTS

1. If you are required to install ignition interlock devices pursuant to Vehicle Code section 23575, and you have a medical condition that you believe prevents you from breathing with sufficient strength to activate the devices, you have the right to present a physician's statement to the court documenting the condition and to have the court determine whether the medical condition does make use of the devices medically impossible.
2. If your driving privilege has been revoked or suspended pursuant to Vehicle Code section 23575, and it is restored before the end of the period ordered herein for installation of the ignition interlock devices, you may petition the court to review whether continued restriction is necessary.

Defendant: Call the ignition interlock device installer within 48 hours of this order and arrange for the installation of the device(s). The court will provide you with a list of certified installers.

NAME AND ADDRESS OF COURT:	<p style="text-align: center;"><i>FOR COURT USE ONLY</i></p> <p style="text-align: center;">DRAFT 1 10-20-04wb</p> <p style="text-align: center;">Not Approved by the Judicial Council</p>
NAME OF DEFENDANT: STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: HOME TELEPHONE NO.: WORK TELEPHONE NO.: DRIVER'S LICENSE NO.:	
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Make Model Year Color License Plate No. and/or V.I.N.

a.
b.
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1. This order does not reinstate your driving privilege.
2. Installation shall be no later than *(specify a date no later than thirty days from the date of conviction)*:
3. Defendant shall present this form to the installer at the time of installation.
4. Defendant shall return completed *Ignition Interlock Installation Verification* (form ID-11 0) to the ☐ court ☐ probation dept. no later than *(specify a date no later than thirty days from the date of conviction)*:
5. Defendant shall take vehicles to the installer for calibration every ☐ 60 days ☐ other *(specify frequency)*:
following the date of installation.
6. Defendant shall make payments directly to the installer and shall adhere to the payment plan for installation of the ignition interlock device.
7. Without a court order, the devices may not be removed prior to *(specify a date no later than three years from the date of conviction)*:
8. ☐ Defendant's employer requires defendant to drive a vehicle owned by the employer within the course and scope of defendant's employment. Defendant shall provide the employer with the *Notice to Employers of Ignition Interlock Restriction* (form ID-150) no later than *(specify date)*:
Defendant shall keep a copy of the *Notice to Employers of Ignition Interlock Restriction* in defendant's possession or keep the original or a copy in the employer's vehicle.
9. Defendant shall maintain current insurance and registration on all vehicles owned.
10. Other *(specify)*:

Date:

JUDGE OF THE SUPERIOR COURT

(Continued on reverse)

SHORT TITLE —	CASE NUMBER:
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6. If defendant has a valid driver's license, driving any vehicle without an ignition interlock device except as provided below and except for employer-owned vehicles required to be operated within the course and scope of employment. A motor vehicle owned by a business entity that is wholly or partly owned or controlled by defendant is not a motor vehicle owned by an employer subject to the exemption.
7. Failure to maintain current license and registration on any vehicle owned by defendant.
8. Failure to notify any person who rents, leases, or loans a motor vehicle to defendant of the restriction imposed by this order.
9. Requesting or soliciting any person to blow into an ignition interlock device or to start a motor vehicle equipped with the device for the purpose of providing defendant with an operable motor vehicle.
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2. If your driving privilege has been revoked or suspended pursuant to Vehicle Code section 23575, and it is restored before the end of the period ordered herein for installation of the ignition interlock devices, you may petition the court to review whether continued restriction is necessary.

Defendant: Call the ignition interlock device installer within 48 hours of this order and arrange for the installation of the device(s). The court will provide you with a list of manufacturers certified by the Department of Motor Vehicles. Contact a certified manufacturer to locate an installer.

NAME AND ADDRESS OF COURT: 	FOR COURT USE ONLY
NAME OF DEFENDANT: STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: HOME TELEPHONE NO.: WORK TELEPHONE NO.: DATE OF BIRTH: SOCIAL SECURITY NO.: DRIVER'S LICENSE NO.:	CASE NUMBER:
DATE OF COURT ORDER:	
<div style="display: flex; justify-content: space-between;"> <div> IGNITION INTERLOCK <input type="checkbox"/> </div> <div> <input type="checkbox"/> CALIBRATION VERIFICATION <input type="checkbox"/> TAMPER REPORT </div> </div>	

1. Defendant's name:

2. Installer's name:

Address:

City, state, ZIP:

Telephone:

3. Vehicles:

Make

Model

Year

Color

License Plate No.

V.I.N.

a.

b.

c.

4. This is the ☐ six-month ☐ yearly report (if relevant).

5. Installation date:

a.

b.

c.

6. Odometer reading:

a.

b.

c.

7. Calibration setting:

a.

b.

c.

8. Unit serial No.:

a.

b.

c.

9. Program to end (date):

10. ☐ The system is in calibration.

11. ☐ The system has been inspected and is functioning properly.

12. ☐ The ignition interlock devices installed in vehicles ☐ a. ☐ b. ☐ c. show evidence of tampering.

(Describe/Additional comments):

13. Payment of \$ _____ + sales tax \$ _____ = Total collected \$ _____ paid by

a. ☐ Visa / MasterCard

b. ☐ Money order/Cashier's check/Certified check No.:

c. ☐ Cash/check No.:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:



(SIGNATURE OF INSTALLER)

DEFENDANT: Your next monitoring check is (date): _____ . If you have not had your system serviced within seven days of the due date, the system will shut down and you will be unable to start your car. It will be your responsibility to have your car towed to the calibration location.

Your next payment of \$ _____ **is due at the above monitoring check. Payment must be made in full before service is performed. If payment is not made, the system may shut down and you may not be able to start your car. This will result in a service call that will be your responsibility. You may be required to make an additional payment for late payments.**

➤ I acknowledge receipt of a copy of this form.

Date:



(SIGNATURE OF DEFENDANT)

Distribution: Court, Manufacturer or Manufacturer's Agent, Defendant, Probation Department

NAME AND ADDRESS OF COURT:		FOR COURT USE ONLY DRAFT 3 11-2-04 Not Approved by the Judicial Council
NAME OF DEFENDANT: STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: HOME TELEPHONE NO.: WORK TELEPHONE NO.: DRIVER'S LICENSE NO.:		
DATE OF COURT ORDER:		
IGNITION INTERLOCK <input type="checkbox"/> CALIBRATION VERIFICATION <input type="checkbox"/> TAMPER REPORT	CASE NUMBER:	

- Defendant's name:
- Installer's name:
Address:
City, state, ZIP:
Telephone:
- Vehicles:

	<u>Make</u>	<u>Model</u>	<u>Year</u>	<u>Color</u>	<u>License Plate No.</u>	<u>V.I.N.</u>
a.						
b.						
c.						
- This is the ☐ six-month ☐ yearly report (*if relevant*).
- Installation date: a. b. c.
- Odometer reading: a. b. c.
- Calibration setting: a. b. c.
- Unit serial No.: a. b. c.
- Program to end (*date*):
- ☐ The system is in calibration.
- ☐ The system has been inspected and is functioning properly.
- ☐ The ignition interlock devices installed in vehicles ☐ a. ☐ b. ☐ c. show evidence of tampering.
(Describe/Additional comments):
- Payment of \$ + sales tax \$ Total collected \$ paid by
 - ☐ Credit Card
 - ☐ Money order/Cashier's check/Certified check
 - ☐ Cash/Personal check

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:



(SIGNATURE OF INSTALLER)

DEFENDANT: Your next monitoring check is (*date*): . If you have not had your system serviced within seven days of the due date, the system will shut down and you will be unable to start your car. It will be your responsibility to have your car towed to the calibration location.

Your next payment of \$ is due at the above monitoring check. Payment must be made in full before service is performed. If payment is not made, the system may shut down and you may not be able to start your car. This will result in a service call that will be your responsibility. You may be required to make an additional payment for late payments.

I acknowledge receipt of a copy of this form.

Date:



(SIGNATURE OF DEFENDANT)

NAME AND ADDRESS OF COURT: 	FOR COURT USE ONLY
NAME OF DEFENDANT: STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: HOME TELEPHONE NO.: WORK TELEPHONE NO.: DRIVER'S LICENSE NO.:	
IGNITION INTERLOCK REMOVAL AND MODIFICATION TO PROBATION ORDER for Court Ordered Ignition Interlock Device	CASE NUMBER:

1. ☐ **Approval to change vehicles.** The above-named defendant has approval of the court to change the ignition interlock device (system serial number: _____) to another vehicle.

a. Remove from vehicle:

Make Model Year Color License Plate No. and/or V.I.N.

b. Reinstall in vehicle:

Make Model Year Color License Plate No. and/or V.I.N.

2. ☐ **Order for additional installation.** The above-named defendant shall install an ignition interlock device on the vehicle designated below by (date):

Make Model Year Color License Plate No. and/or V.I.N.

3. ☐ Order to remove device.

4. ☐ Comments:

Date:

.....
(TYPE OR PRINT NAME)



(SIGNATURE OF DEFENDANT)

Date:

JUDGE OF THE SUPERIOR/MUNICIPAL COURT

NAME AND ADDRESS OF COURT: 	<p style="text-align: center;">FOR COURT USE ONLY</p> <p style="text-align: center;">DRAFT 1 10-21-04wb</p> <p style="text-align: center;">Not Approved by the Judicial Council</p>
NAME OF DEFENDANT: STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: HOME TELEPHONE NO.: WORK TELEPHONE NO.: DRIVER'S LICENSE NO.:	
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a. Remove from vehicle:

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b. Reinstall in vehicle:

Make Model Year Color License Plate No. and/or V.I.N.

2. ☐ **Order for additional installation.** The above-named defendant shall install an ignition interlock device on the vehicle designated below by (date):

Make Model Year Color License Plate No. and/or V.I.N.

3. ☐ Order to remove device.

4. ☐ Comments:

Date:

.....
(TYPE OR PRINT NAME)



(SIGNATURE OF DEFENDANT)

Date:

JUDGE OF THE SUPERIOR COURT

NAME AND ADDRESS OF COURT: 	FOR COURT USE ONLY
NAME OF DEFENDANT: STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: HOME TELEPHONE NO.: WORK TELEPHONE NO.: DRIVER'S LICENSE NO.:	
NOTICE TO EMPLOYERS OF IGNITION INTERLOCK RESTRICTION	CASE NUMBER:

INSTRUCTIONS TO DEFENDANT

You are required to provide this notice to any employer who owns a vehicle that you operate in the course and scope of your employment with that employer. You are also required to keep this notice in your possession or with your employer's vehicle.

NOTICE TO EMPLOYER

1. This is to inform the employers of the above-named defendant that the defendant is required by court order to have installed, on all vehicles that the defendant owns or operates, an ignition interlock device pursuant to
☐ Vehicle Code section 13352 et seq. ☐ Vehicle Code section 23575 et seq.

2. This court order is effective *(date)*: _____ and will expire *(date)*: _____

3. Note: Vehicle Code section 23576 provides:

"[I]f a person is required to operate a motor vehicle in the course and scope of his or her employment and if the vehicle is owned by the employer, the person may operate that vehicle without installation of an approved ignition interlock device if the employer has been notified by the person that the person's driving privilege has been restricted . . . and if the person has proof of that notification in his or her possession, or if the notice, or a facsimile copy thereof, is with the vehicle."

4. This notice satisfies the requirements of Vehicle Code sections 23576 and 13352.

NAME AND ADDRESS OF COURT: 	<p style="text-align: center;"><i>FOR COURT USE ONLY</i></p> <p style="text-align: center;">DRAFT 1 10-21-04wb</p> <p style="text-align: center;">Not Approved by the Judicial Council</p>
NAME OF DEFENDANT: STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: HOME TELEPHONE NO.: WORK TELEPHONE NO.: DRIVER'S LICENSE NO.:	
NOTICE TO EMPLOYERS OF IGNITION INTERLOCK RESTRICTION	CASE NUMBER:

INSTRUCTIONS TO DEFENDANT

You are required to provide this notice to any employer who owns a vehicle that you operate in the course and scope of your employment with that employer. You are also required to keep this notice in your possession or with your employer's vehicle.

NOTICE TO EMPLOYER

1. This is to inform the employers of the above-named defendant that the defendant is required by court order to have installed, on all vehicles that the defendant owns or operates, an ignition interlock device pursuant to Vehicle Code section 23575 et seq.

2. This court order is effective *(date)*: _____ and will expire *(date)*: _____

3. Note: Vehicle Code section 23576 provides:

"[I]f a person is required to operate a motor vehicle in the course and scope of his or her employment and if the vehicle is owned by the employer, the person may operate that vehicle without installation of an approved ignition interlock device if the employer has been notified by the person that the person's driving privilege has been restricted ... and if the person has proof of that notification in his or her possession, or if the notice, or a facsimile copy thereof, is with the vehicle."

4. This notice satisfies the requirements of Vehicle Code sections 23576.